

United States District Court
Eastern District of North Carolina
Western Division

Case No. 5:24-CT-3204-M

(To be filled out by Clerk's Office only)

FILED

AUG 26 2024

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
DEP CLK

Brian Lee Sarvis

(In the space above enter the full name(s) of the plaintiff(s).)

Inmate Number 0595348

COMPLAINT

(Pro Se Prisoner)

-against-

New Hanover County
Sheriff's Department,
Deputy J. Hill, Deputy M. Thompson,
Deputy "John Doe", Deputy "John Doe".

Jury Demand?

☐ Yes

☒ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants).
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

Name Brian Lee Sarvis

Prisoner ID # 0595348

Place of Detention Randolph Correctional Center #4445

Institutional Address P.O. Box 4128

City Ashboro, State North Carolina Zip Code 27204

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☒ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: New Hanover County Sheriff's Department
Name
Law enforcement/Jail Division
Current Job Title
3950 Juvenile Center Road
Current Work Address
Castle Hayne, North Carolina 28429
City State Zip Code
Capacity in which being sued: ☐ Individual ☒ Official ☐ Both

Defendant 2: J. Hill
Name
Sheriff's Deputy
Current Job Title
3950 Juvenile Center Road
Current Work Address
Castle Hayne North Carolina 28429
City State Zip Code
Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant(s) Continued

Defendant 3:

M. Thompson

Name

Sheriff's Deputy

Current Job Title

3950 Juvenile Center Road

Current Work Address

Castle Hayne North Carolina 28429

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 4:

"John Doe"

Name

Sheriff's Deputy

Current Job Title

3950 Juvenile Center Road

Current Work Address

Castle Hayne North Carolina 28429

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 5: "John Doe"

Sheriff's Deputy

3950 Juvenile Center Road 28429

Castle Hayne North Carolina

V. STATEMENT OF CLAIM

Place(s) of occurrence: New Hanover County Jail, New Hanover County

Date(s) of occurrence: 8-26-2021 Thru 12-16-2021

State which of your federal constitutional or federal statutory rights have been violated:

Eighth Amendment

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

Deputy J. Hill and Deputy M. Thompson both sadistically and maliciously assaulted me by giving me several punches and kneeling to my face and side of my head. Deputies "John Doe" and "John Doe" did sadistically and maliciously assault me by slamming my face and side of head on the concrete floor then drug me to a holding cell and sadistically ripped my clothing off my body. "John Doe" slammed my on my face while in full restraints and locked me in a cell for several days denying me any exercise or showers or cleaning supplies.

What
happened
to you?

My Eighth Amendment rights were violated with police brutality, abuse of force, and cruel and unusual punishment.

When did it
happen to
you?

August 26th 2021 Thru
December 16th 2021

Where did it
happen to
you?

In front of Deputy J. Hill's patrol car and in the booking department of the New Hanover Jail. Also in the Sierra Housing Unit of the Jail.

What was
your
injury?

Severe trauma, loosened teeth,
ruptured eardrum. Also in constant
fear of law enforcement.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☐ Yes ☒ No

If no, explain why not:

I was scared that they would keep attacking me physically as well as mentally.

Is the grievance process completed?

☐ Yes ☒ No

If no, explain why not:

In fear of retaliation from the Deputies.

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- A. Issue Declaratory judgement stating that the Defendants did indeed violate my Eighth Amendment of the United States Constitution.
- B. Award Compensatory damages in the amount of \$100,000.00 from each defendant personally.
- C. Award \$5,000,000.00 punitive damages on the official aspect.
- D. Grant such other relief as it may appear plaintiff is entitled.

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☐ Yes ☒ No

If yes, how many? _____

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

IX. PLAINTIFF'S CERTIFICATION AND WARNING

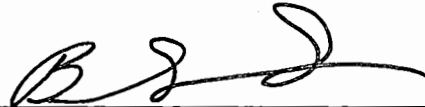
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

8-14-24

Dated



Plaintiff's Signature

Brian Lee Sarvis

Printed Name

0595348

Prison Identification #

P.O. Box 4128 Ashboro North Carolina 27204

Prison Address

City

State

Zip Code